



Focus on Underground Storage Tank Law Update

from Ecology's Toxics Cleanup Program



Facts on Tanks

There are approximately 11,000 underground storage tanks at 3,900 different sites.

About 6,000 UST leaks have been reported to Ecology, including more than 1,100 since 1998. More than one-third contaminated groundwater.

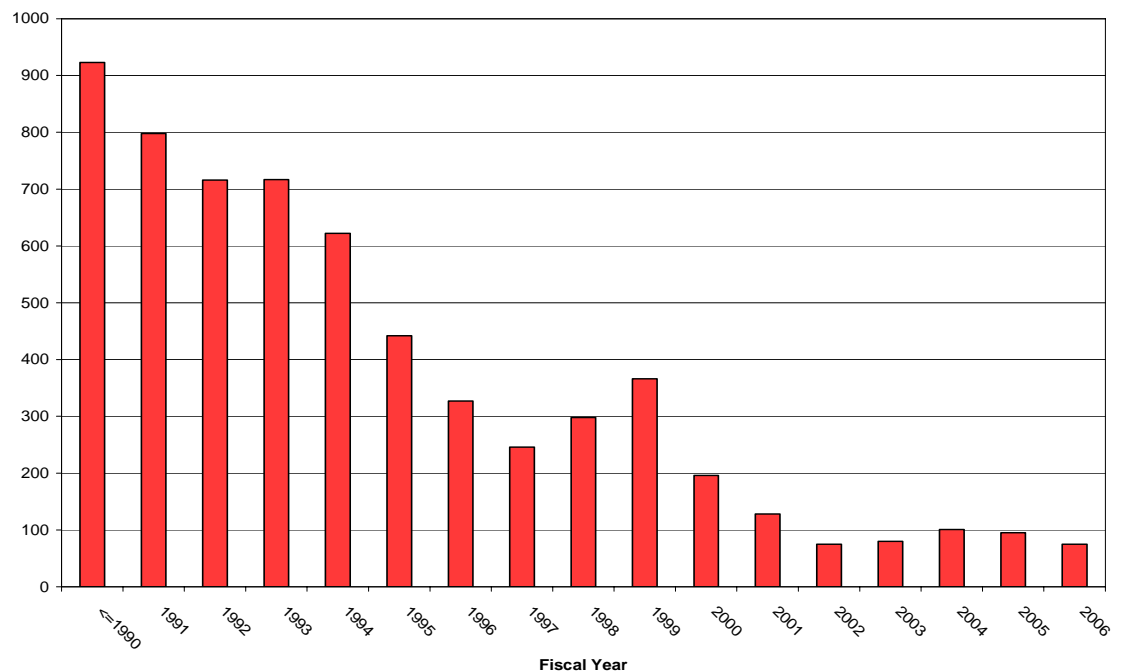
About 4,000 leaks have been cleaned up.

Ecology inspects all USTs in the state, including on military bases. EPA inspects tanks on tribal reservations.

Program background

The Washington State Department of Ecology (Ecology) needs to modify its underground storage tank (UST) compliance inspection program because of new federal legislation. The Energy Policy Act of 2005 places new requirements on the EPA and states to help prevent or reduce the possibility of leaks to the environment from UST systems (tanks, pipes, and dispensers). Leaks can and do pollute groundwater, a precious resource which supplies drinking water for 60 percent of Washingtonians.

The UST Inspection program is successful at reducing the number of leaks:



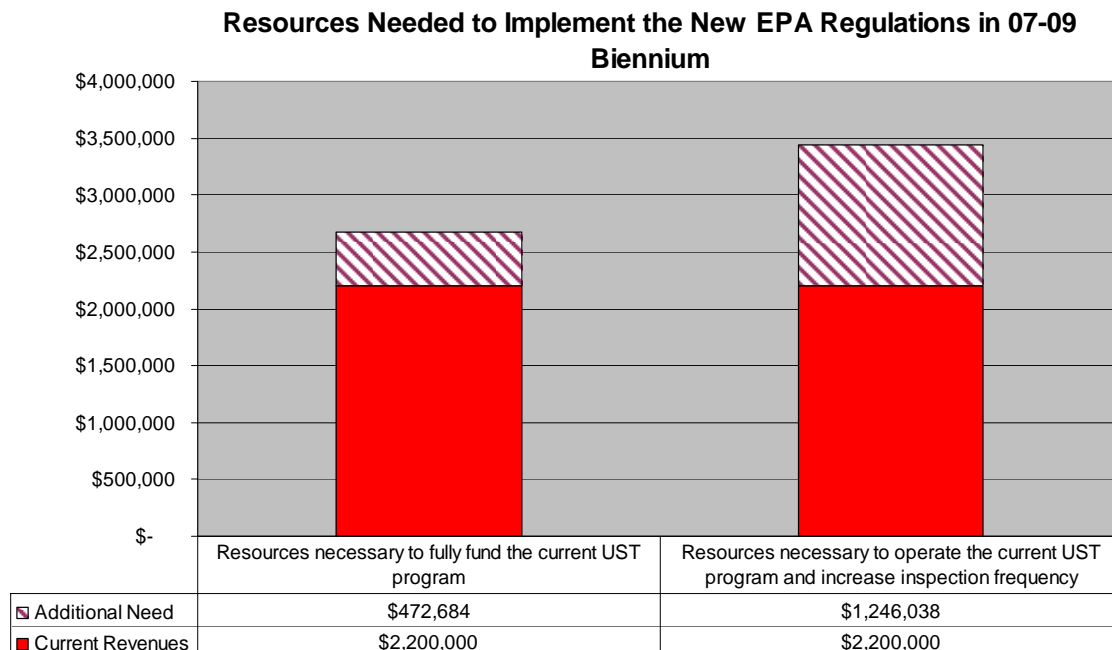
Proposal to the Legislature

To meet new federal requirements, Ecology is requesting the state Legislature to amend Washington's UST law (Chapter 90.76 RCW). Ecology is asking lawmakers to:

- Extend the sunset date for the UST program another 10 years to 2019. Without the law, the state program would be dissolved and EPA would take responsibility for inspections and enforcement in Washington. Ecology is better suited to handle these tasks because of its understanding of local concerns and issues, less-punitive financial penalties, and added emphasis on assistance and education.



- Increase the annual tank fee from \$100 to \$160. With its 10 existing state inspectors, Ecology is able to visit each site once every 5 years. The Energy Policy Act requires inspections at least once every 3 years. A fee increase is needed to hire additional state inspectors. The last fee increase from \$75 to \$100 was approved in 1998.
- Provide Ecology with the ability to develop a federally mandated owner/operator training program.
- Authorize Ecology to implement a delivery prohibition or “red tag” program as required by federal law. If Ecology inspects a site and finds significant violations, the “red tag” program provides Ecology the authority to prevent deliveries of fuel to specific tanks until they are in compliance.
- Authorize Ecology to require secondary containment for all new tanks, piping and dispensers installed after July 2007 to protect groundwater (e.g., a pipe within a pipe to capture leaks). This new requirement would not apply to existing tank systems.
- Amend the penalty appeal to give tank owners and operators the option of appealing financial penalties to Ecology instead of the Pollution Control Hearings Board. The process is called an Application for Relief.



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